

Appl. No. : 10/705,548
Filed : November 10, 2003

REMARKS

The Office Action mailed on November 1, 2006 has been carefully considered. Accordingly, the changes presented herewith, taken with following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration is respectfully requested.

Claims 1-32 are currently pending in the instant application. New claims 33-40 are respectfully submitted for consideration by the Examiner. No new matter is contained in new claims 33-40.

Claims 2, 5-8, 11, 13-17, 22-24, and 31 Are In Condition For Allowance.

Applicants gratefully acknowledge the Examiner's allowance of claims 22-24 and 31. Claim 31 currently stands rejected under 35 U.S.C. § 112, second paragraph, for insufficient antecedent basis. Accordingly, the preamble of claim 31 has been amended to recite "A multi-zonal monofocal intraocular lens..."

Applicants appreciate the Examiner's acknowledgement of the allowability of claims 2, 5-8, 11, and 13-17 if rewritten in independent form. Accordingly, claims 2 and 11 have been rewritten in independent form to include all the limitations of claim 1. Claims 13 and 15 have been rewritten in independent form to include all the limitations of claim 12. Claim 14 has been rewritten to depend from claim 13, thus including all the limitations of claim 12. Claims 16 and 17 have been rewritten to depend from claim 15, thus including all the limitations of claim 12.

Claim 32 Is Not Anticipated by Glick.

Claim 32 stands rejected 35 U.S.C. § 102(e) as being anticipated by Glick. Applicants respectfully traverse the rejection. Applicant has amended claim 32 to recite the outer periphery of the optic so as to clarify that the inner zone and the first surrounding zone are disposed such that light entering the entire optic from a distant point source substantially falls within the range of the depth-of-focus of a spherical lens having an equivalent focal length. Thus, the currently amended form does not reduce scope of claim 32.

Glick teaches a lens body with multifocal characteristics to provide substantially enhanced [accommodative] performance, for example, relative to a spherical, monofocal IOL adapted for accommodating movement or an aspheric IOL located in a substantially fixed position within the

Appl. No. : **10/705,548**
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eye. Glick, column 5, lines 53-59. Furthermore, Glick teaches a lens in which both the curvature of the surface and the refractive power of the lens increase from the optical axis to the periphery of the optical zone. Glick column 4, lines 15-17.

By contrast, independent claim 32 is directed to a multi-zonal, monofocal intraocular lens comprising, in pertinent part, an optic comprising an inner zone and a first surrounding zone concentric about the inner zone and adapted to compensate for optical aberrations in the image resulting from an implanted intraocular lens decentration of greater than about 0.1 mm. Glick is silent regarding an intraocular lens that compensates for optical aberrations associated with a mono-focal intraocular lens, much less that compensates for optical aberrations in the image resulting from an implanted intraocular lens decentration of greater than about 0.1 mm. To the degree that Glick teaches anything at all about aberration reduction, that teaching is limited to the reduction of visual aberrations such as glare and night-time halo effects (Glick, column 4, lines 40-44), which clearly does not address optical aberrations resulting from decentration of an implanted intraocular lens.

Furthermore, claim 32 is limited to an optic having an inner zone and a first surrounding zone disposed such that light within an outer periphery and entering the entire optic from a distant point source substantially falls within the range of the depth-of-focus of a spherical lens having an equivalent focal length. Glick does not teach or suggest a monofocal intraocular lens, much less a monofocal intraocular lens comprising zones disposed such that light within the outer periphery and entering the entire optic from a distant point source substantially falls within the range of the depth-of-focus of a spherical lens having an equivalent focal length. To the contrary, Glick clearly teaches an IOL comprising a lens body with multifocal characteristics and providing performance that is contrasted to that of a monofocal IOL. Glick, column 5, lines 53-59.

The Examiner appears to assert that language such as “disposed such that light within the outer periphery and entering the entire optic from a distant point source substantially falls within the range of the depth-of-focus of a spherical lens having an equivalent focal length,” is functional language that carries little patentable weight. However, MPEP 2173.05(g) states: “A functional limitation must be evaluated and considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used.” The cited limitation from claim 32 conveys a lens that clearly distinguishes over the teachings of

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Glick, which are directed to an IOL with a lens body with multifocal characteristics, which would obviously not meet focus light within the range of the depth-of-focus of a spherical lens having an equivalent focal length.

The Examiner has further asserted that Glick is inherently capable of focusing light from a distant point to substantially fall within the range of the depth-of-focus of a spherical lens having an equivalent focal length. Applicants traverse this assertion and respectfully contend that the Examiner's assertion is mere conjecture. Applicants respectfully request that the Examiner provide evidence from Glick supporting the assertion that Glick is inherently capable of focusing light from a distant point to substantially fall within the range of the depth-of-focus of a spherical lens having an equivalent focal length.

New Claims 33-40 Are Not Anticipated by Glick.

In addition to many of the limitation discussed above, new claims 33-40 are each directed to an intraocular lens comprising, in pertinent part, an optic comprising a first zone having a first optical power and a second zone surrounding the first zone, the second zone having a second optical power that is reduced from the first power. In addition to other deficiencies, Glick does not teach or suggest an intraocular lens having an outer zone of reduced optical power surrounding an inner zone. To the contrary, Glick specifically teaches a lens in which the refractive power of the lens increases from an optical axis to the periphery of the optical zone. Glick column 4, lines 15-17 (see also FIGS. 3 and 5).

Appl. No. : 10/705,548
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CONCLUSION

For the foregoing reasons, Applicants respectfully assert that the claims now pending are allowable over the prior art of record. Therefore, Applicants earnestly seek a notice of allowance and prompt issuance of this application.

The Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 502317.

Respectfully submitted,
Advanced Medical Optics

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